

ENVIRONMENTAL PROTECTION AGENCY
REGION I - BOSTON

CLASS. NO. 1200
DELEGATION NO. 5-14

DELEGATION OF AUTHORITY

DATE: 5 / 21 / 2009

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)

5-14. Administrative Enforcement: Issuance of Complaints
and Signing of Consent Agreements

1. PURPOSE AND LEGAL AUTHORITY.

A. Purpose. To redelegate the remaining authorities contained in Delegation 5-14 issued by EPA Headquarters on May 11, 1994.

B. Authority. Pursuant to FIFRA, to:

- (1) issue written notices of warning;
- (2) issue complaints;
- (3) evaluate the appropriateness of civil penalties;
- (4) negotiate consent agreements memorializing settlements between the Agency and respondents; and
- (5) sign consent agreements memorializing settlements between the Agency and respondents.

2. TO WHOM DELEGATED.

A. This authority is delegated to the Director, Office of Environmental Stewardship (OES).

B. The Director, OES, further redelegates this authority as follows:

(1) The function in 1.B.(1) is delegated to the Manager, Toxics and Pesticides Unit, OES.

(2) The functions in 1.B.(2), 1.B.(3) and 1.B.(5) are delegated to the Manager, Legal Enforcement Office, OES.

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TO WHOM DELEGATED (CONT'D).

(3) The function in 1.B.(4) is delegated to Agency attorneys, as designated by the Manager, Regulatory Legal Unit, OES, or appropriate OES technical program staff, as designated by the Manager, Regulatory Legal Unit, OES, in consultation with the Manager, Toxics and Pesticides Unit, OES.

3. REDELEGATION AUTHORITY.

- A. The functions in 1.B.(1) and 1.B.(4) may not be redelegated.
- B. The functions in 1.B.(2), 1.B.(3) and 1.B.(5) may be redelegated to the Section Chief level or equivalent.

4. LIMITATIONS.

- A. Prior to exercising the authorities in 1.B.(2), 1.B.(3) and 1.B.(5), the Manager, Legal Enforcement Office, OES, or his/her designee, shall consult with the Manager, Regulatory Legal Unit, OES, or his/her designee.
- B. The Manager, Legal Enforcement Office, OES, or his/her designee, shall consult with the Regional Counsel, or his/her designee, on significant counseling issues.
- C. The Manager, Legal Enforcement Office, OES, or his/her designee, must consult with the Assistant Administrator for Enforcement and Compliance Assurance, or his/her designee, in cases of national significance before exercising any of the above authorities except for the issuance of warning letters.
- D. The Agency official who signed the complaint should sign the settlement agreement.
- E. This authority may not be redelegated without the concurrence of the Regional Directives Officer, Human Resources Office, Office of Administration and Resource Management.

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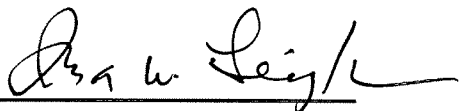
5-14. Administrative Enforcement: Issuance of Complaints
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5. ADDITIONAL REFERENCES.

A. Sections 9(c) and 14 of FIFRA.

B. The Office of Enforcement and Compliance Assurance is continuing to waive consultation by memorandum as Regional Offices gain experience in particular programs.

6. SUPERSESSSION. Region I Delegation 5-14, dated November 6, 2000.



Ira W. Leighton
Acting Regional Administrator

5/21/09

Date



Susan Studlien, Director
Office of Environmental Stewardship

05/01/09

Date

a:5-14-2009